Department of the Treasury
Internal Revenue Service

Instructions for Form 990-BL

(Revised April 1991)

Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons

(Under Section 501(c)(21) of the Internal Revenue Code)

(Section references are to the Internal Revenue Code unless otherwise noted.)

Paperwork Reduction Act Notice.—We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us this information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

The time needed to complete and file this form and related schedules will vary depending on individual circumstances. The estimated average times are:

Form	Recordkeeping	Learning about the law or the form	Preparing and sending the form to IRS
990-BL	16 hrs., 44 min.	6 hrs., 16 min.	6 hrs., 49 min.
Sch. A (Form 990-BL)	6 hrs., 56 min.	18 min.	25 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making these forms more simple, we would be happy to hear from you. You can send your comments to both the Internal Revenue Service, Washington, DC 20224, Attention: IRS Reports Clearance Officer T:FP; and the Office of Management and Budget, Paperwork Reduction Project (1545-0049), Washington, DC 20503. DO NOT send the tax form to either of these offices. Instead, see the instructions below on where to file.

General Instructions

Purpose.—Form 990-BL is primarily for use by black lung benefit trusts to meet the reporting requirements of section 6033. If there are initial taxes imposed on the trust or certain related parties, **Schedule A (Form 990-BL)** Computation of Initial Excise Taxes on Black Lung Benefit Trusts and Certain Related Persons, must also be filed.

A. Who Must File Form 990-BL.—An annual information return on Form 990-BL is required of a trust exempt from tax under section 501(a) and described in section 501(c)(21), unless the trust normally has gross receipts in each tax year of not more than $25,000.

The initial excise taxes imposed on black lung benefit trusts, trustees, and disqualified persons under sections 4951 and 4952 are reported on Schedule A (Form 990-BL).

A black lung benefit trust required to file an annual information return and liable for tax under section 4952 should complete all of Form 990-BL and attach a completed Schedule A (Form 990-BL) to it. A trust liable for section 4952 tax, but not otherwise required to file Form 990-BL, should complete the heading and signature area of Form 990-BL and attach a completed Schedule A (Form 990-BL) to it.

A trustee or disqualified person liable for section 4951 or 4952 tax should complete the heading (omitting the check boxes for application pending, address change, and FMV of assets) and signature area of Form 990-BL and attach a completed Schedule A (Form 990-BL). A trustee liable for sections 4951 and 4952 taxes reports both taxes on one return.

If no tax is due under section 4951 or 4952, do not file Schedule A (Form 990-BL).

Your key District Director will tell you what procedures to follow if the trust or any related persons incur any liability for additional taxes and penalties based on sections 4951 and 4952.

Form 990-BL will not be automatically mailed to the persons required to file it but may be requested from the Forms Distribution Center for your state1-800-TAX FORM (1-800-829-3676)).

Return When Exempt Status Not Established.—An organization claiming an exempt status under section 501(c)(21) prior to the establishment of exempt status should file this return if its application for exemption is pending (including appeal of a proposed adverse decision) with the Internal Revenue Service.

B. Accounting Period.—The return must be on the basis of the established annual accounting period of the organization. If the organization has no established accounting period, the return should be on the basis of the calendar year.

C. Accounting Methods.—Gross income, receipts, and disbursements must be figured by the method of accounting regularly used by the organization in maintaining its books and records, unless otherwise specified in the instructions.

D. When and Where to File.—This return, including Schedule A (Form 990-BL) if tax is due, must be filed on or before the 15th day of the fifth month following the close of the filer's tax year, with the Internal Revenue Service Center, Cincinnati, OH 45999.

E. Penalty for Failure to File Timely, Completely, or Correctly.—If an organization fails to file timely, correctly, or completely, it will have to pay $10 for each day during which such failure continues, unless it can be shown that the failure was due to reasonable cause. The maximum penalty with respect to any one return shall not exceed the lesser of $5,000 or 5% of the gross receipts of the organization for the year.

The IRS may make written demand that the delinquent return be filed or the information furnished within a reasonable time after mailing of notice of the demand. The person failing to comply with the demand on or before the date specified in the demand will have to pay $10 for each day the failure continues, unless there is reasonable cause. The maximum penalty imposed on all persons for failures with respect to any one return shall not exceed $5,000. If more than one person is liable for any failures, all such persons are jointly and severally liable with respect to such failures (see section 6652(c)).

To avoid having to explain an incomplete return, we urge you to make an entry in each part of the form, even the ones that do not apply to you. If a part or line item does not apply, enter "N/A" (not applicable) or "-0-" if an amount is zero.

There are penalties for willful failure to file and for filing fraudulent returns and statements. (See sections 7203, 7206, and 7207.)

F. Public Inspection of Completed 990-BL Returns and Approved Exemption Applications

Through the IRS.

Generally, the information reported on or with Form 990-BL, including most attachments, will be made available for public inspection by the Internal Revenue Service (section 6104(b)). This applies both to information required by the form and to information furnished voluntarily. Approved applications for exemption from Federal income tax are also available for public inspection.

Exclusions.—Part IV of Form 990-BL, Statement with Respect to Contributors, etc., and Schedule A (Form 990-BL) are **not** open to public inspection.

The public inspection rules do not apply to Form 990-BL and the attached Schedule A (Form 990-BL) filed by a trustee or disqualified person to report initial taxes on self-dealing or taxable expenditures.

A request for inspection through the IRS must be in writing. It must include the name and address (city and state) of the organization that filed the return or application and should indicate the type (number) of the return and the year(s) involved. The request should be sent to the District Director (Attention: Disclosure Officer) of the district in which the requester desires to inspect the return or application. If inspection at the IRS National Office is desired, the request should be sent to the Commissioner of Internal Revenue, Attention: Freedom of Information Reading Room, 1111 Constitution Avenue, N.W., Washington, DC 20224.

You can use **Form 4506-A,** Request for Public Inspection or Copy of Exempt

Organization Tax Form, to request a copy or to inspect an exempt organization return through IRS. There is a fee for photocopying.

Through the organization.—

Annual return.—An organization must, during the three-year period beginning with the due date (including extensions, if any) of the Form 990-BL, make its return available for public inspection upon request. All parts of the return and all required schedules and attachments must be made available except Part IV of Form 990-BL and Schedule A (Form 990-BL) as discussed above. Inspection must be permitted during regular business hours at the organization's principal office and at each of its regional or district offices having three or more employees. This provision applies to any organization that files Form 990-BL, regardless of the size of the organization and whether or not it has any paid employees.

Exemption application.—Any section 501(c)(21) organization that submitted an application for recognition of exemption to the Internal Revenue Service after July 15, 1987, must make available for public inspection a copy of its application (together with a copy of any papers submitted in support of its application) and any letter or other document issued by the Internal Revenue Service in response to the application. An organization that submitted its exemption application on or before July 15, 1987, must also comply with this requirement if it had a copy of its application on July 15, 1987. As in the case of annual returns, the copy of the application and related documents must be made available for inspection during regular business hours at the organization's principal office and at each of its regional or district offices having at least three employees.

G. Penalties for Failure to Comply with Public Inspection Requirements.—If a person does not comply with the requirement to permit public inspection of annual returns, such person will be penalized $10 for each day during which such failure continues, unless there is reasonable cause. The maximum penalty imposed on all persons for failures with respect to any one return shall not exceed $5,000.

If a person fails to comply with the public inspection of applications requirement, that person shall be charged $10 a day for each day during which such failure continues, unless there is reasonable cause. There is no maximum penalty limitation (see section 6652(c)).

Any person who willfully fails to comply with the public inspection requirements for the annual return or application shall be subject to an additional penalty of $1,000 for each return or application (see section 6685).

If more than one person is liable for any penalty with respect to any failure, all such persons shall be jointly and severally liable with respect to such failure.

Specific Instructions

A. Completing the Heading.—

1. Period Covered by the Return.—Enter the calendar year or fiscal year that corresponds to the accounting period being reported.

2. Name and Address.—
(a) Enter the name and address of the trust.

(b) If the return and a Schedule A (Form 990-BL) are filed by a trustee or disqualified person liable for tax under section 4951 or 4952, then enter that person's name and address below the name of the trust.

(c) Include the suite, room, or other unit number after the street address. If the Post Office does not deliver mail to the street address and the filer has a P.O. box, show the P.O. box number instead of the street address.

3. "Return filed by" Section.—Check only the box that applies to you.

(a) Check the "Trust" box when the return is filed by a black lung benefit trust as an information return, or tax return, or both.

(b) Check the "Trustee" box when the return is filed by a trustee because of liability for taxes under section 4951or 4952, or both.

(c) Check the "Disqualified person" box when the return is filed by a disqualified person who is liable for section 4951 tax only.

4. Taxpayer Identification Number.—Always enter the employer identification number of the black lung benefit trust. If the return is being filed by a trustee or disqualified person, also enter that person's social security number or employer identification number.

Each person should have only one identification number. If you have more than one number and have not been advised which one to use, you should notify the Internal Revenue Service Center at the address given in General Instruction D. Inform them what numbers you have; the name and address to which each number was assigned; and the address of your principal office. The IRS will then advise you which number to use.

5. Application Pending, Address Change, and FMV of Assets.—Fill in these blocks only when a return must be filed for a trust. Enter the fair market value of the trust's assets at the beginning of the operator's tax year within which the trust's tax year begins.

B. Signature.—The return must be signed by the authorized trustee or trustees and also by any person, firm, or corporation who prepared the return. If the return is prepared by a firm or corporation, it should be signed in the name of the firm or corporation. The signature of the preparer is not required if the return is prepared by a regular full-time employee of the filer.

C. Attachments.—The entry spaces contained on the official form must be used unless there are not enough entry spaces for your needs. The attachments must:

(1) Show the form number and tax year.

(2) Contain the name and employer identification number of the organization. Contain the name and social security number of a trustee or disqualified person if the return is filed by them.

(3) Include the information required by the form.

(4) Follow the format and line sequence of the form.

(5) Be on the same size paper as the form.

D. Rounding Off to Whole-Dollar Amounts.—You may show the money items on the return and accompanying schedules as whole-dollar amounts. To do so, drop any amount less than 50 cents and increase any amount from 50 cents through 99 cents to the next higher dollar.

E. Public Inspection.—The form and attachments should be of such quality that they can be reproduced photographically.

Part I.—Analysis of Revenue and Expenses

Line 1.—Enter the total contributions received under section 192 from the coal mine operator who established the trust.

Contributions to the trust must be in cash or property of the type in which the trust is permitted to invest (i.e., public debt securities of the United States, obligations of a state or local government that are not in default as to principal or interest, or time and demand deposits in a bank or insured credit union as described in section 501(c)(21)(B)(ii).

Line 2.—Enter the amounts received during the year from the sources listed in 2a, b, c, and d.

Line 4.—Enter the amounts contributed by the trust to the Federal Black Lung Disability Trust Fund as provided for by section 3(b)(3) of Public Law 95-227.

Line 5.—Enter the amount paid for insurance exclusively covering liabilities under section 501(c)(21)(A)(i), as defined in Regulations section 1.501(c)(21)-1(d).

Line 6.—Enter the amounts paid to or for the benefit of miners or their beneficiaries other than amounts included in lines 4 or 5. Such payments could include direct payment of medical bills, etc., authorized by the Act.

Line 7.—Enter the total amount of compensation for the year of all trustees. See Part III, line 26.

Line 8.—Enter the total of the salaries and wages of all employees other than those included in line 7.

Line 9.—Enter the administrative expenses (including legal, accounting, actuarial, and trustee expenses) for the year other than salaries and wages paid to trustees and other employees.

Line 10.—Enter the total of other expenses not included above and attach a schedule listing them.

See Regulations section 1.501(c)(21)-1 for additional information.

Part II.—Balance Sheets

The balance sheets should be completed on the basis of the accounting method regularly used by the trust in keeping its books and records.

Line 19.—Enter only liabilities of the trust as of the first and last days of the tax year of the trust. Include payments for approved black lung claims that are due but not paid, accrued trustee fees, etc. Do not include amounts for black lung claims being contested, the present value of payments for approved claims, or the estimated liability for future claims.

Line 21.—Enter the total of lines 19 and 20. That figure must equal the figure for total assets reported on line 18 for both the beginning and end of year.

Part III.—Questionnaire

A. General

The Black Lung Benefits Revenue Act of 1977 imposes excise taxes and penalties on acts of self-dealing between trusts and disqualified persons, and on taxable expenditures made by the trusts. These taxes and penalties apply to the trust (section 4952), trustees (sections 4951 and 4952), and self-dealers (section 4951). The purpose of the questions is to determine whether there is any initial tax due under either of these two sections.

B. Definitions

Section 4951, Self-dealing

(1) Self-dealing.—For purposes of section 4951, the term "self-dealing" means any direct or indirect—

(A) sale, exchange, or leasing of real or personal property between a trust described in section 501(c)(21) and a disqualified person;

(B) lending of money or other extension of credit between such a trust and a disqualified person;

(C) furnishing of goods, services, or facilities between such a trust and a disqualified person;

(D) payment of compensation (or payment or reimbursement of expenses) by such a trust to a disqualified person; and

(E) transfers to, or use by or for the benefit of, a disqualified person of the income or assets of such a trust.

(2) Special Rules.—For purposes of paragraph (1)—

(A) the transfer of personal property by a disqualified person to such a trust is treated as a sale or exchange if the property is subject to a mortgage or similar lien;

(B) if a bank or an insured credit union is a trustee of the trust or otherwise is a "disqualified person" with respect to the trust, any amount invested in checking accounts, savings accounts, certificates of deposit, or other time or demand deposits in that bank or credit union constitutes a lending of money;

(C) the furnishing of goods, services, or facilities by a disqualified person to such a trust is not an act of self-dealing if the furnishing is without charge and if the goods, services, or facilities so furnished are used exclusively for the purposes specified in section 501(c)(21)(A); and

(D) the payment of compensation (and the payment or reimbursement of expenses) by such a trust to a disqualified person for personal services that are reasonable and necessary to carry out the exempt purpose of the trust is not an act of self-dealing if the compensation (or payment or reimbursement) is not excessive.

See Regulations section 53.4951-1 for further information on these special rules.

(3) Taxable Period.—The term "taxable period" means, with respect to any act of self-dealing, the period beginning with the date on which the act of self-dealing occurs and ending on the earliest of—

(A) the date of mailing of a notice of deficiency under section 6212, with respect to the tax imposed by section 4951(a)(1), or

(B) the date on which the tax imposed by section 4951(a)(1) is assessed, or

(C) the date on which correction of the act of self-dealing is completed.

(4) Amount Involved.—The term "amount involved" means, with respect to any act of self-dealing, the greater of the amount of money and the fair market value of the other property given or the amount of money and the fair market value of the other property received. However, in the case of services described in section 4951(d)(2)(C), the amount involved is only the excess compensation. For purposes of the preceding sentence, the fair market value—

(A) in the case of the initial taxes imposed by section 4951(a), is determined as of the date on which the act of self-dealing occurs; and

(B) in the case of additional taxes imposed by section 4951(b), will be the highest fair market value during the taxable period.

(5) Correction.—The terms "correction" and "correct" mean, with respect to any act of self-dealing, undoing the transaction to the extent possible, but in any case placing the trust in a financial position not worse than that in which it would be if the disqualified person were dealing under the highest fiduciary standards.

(6) Disqualified Person.—The term "disqualified person" means, with respect to a trust described in section 501(c)(21), a person who is—

(A) a contributor to the trust,

(B) a trustee of the trust,

(C) an owner of more than 10 percent of:

(i) the total combined voting power of a corporation,

(ii) the profits interest of a partnership, or

(iii) the beneficial interest of a trust or unincorporated enterprise,

which is a contributor to the trust,

(D) an officer, director, or employee of a person who is a contributor to the trust,

(E) the spouse, ancestor, lineal descendant, or spouse of a lineal descendant of an individual described in (A), (B), (C), or (D),

(F) a corporation of which persons described in (A), (B), (C), (D), or (E) own more than 35 percent of the total combined voting power,

(G) a partnership in which persons described in (A), (B), (C), (D), or (E) own more than 35 percent of the profits interest, or

(H) a trust or estate in which persons described in (A), (B), (C), (D), or (E) hold more than 35 percent of the beneficial interest.

For purposes of (C)(i) and (F), indirect stockholdings are taken into account if they would be taken into account under section 267(c), except that, for purposes of this paragraph, section 267(c)(4) is treated as providing that the members of the family of an individual are only those individuals described in (E). For purposes of (C)(ii), (iii), (G), and (H), the ownership of profits or beneficial interests is determined by the rules for constructive ownership of stock provided in section 267(c) (other than paragraph (3)), except that section 267(c)(4) is treated as providing that the members of the family of an individual are only those individuals described in (E).

(7) Payment of Benefits.—For purposes of section 4951, a payment out of assets or income of a trust described in section 501(c)(21) for the purposes described in section 501(c)(21)(A)(i) is not considered an act of self-dealing.

Section 4952, Taxable Expenditures

(1) Taxable expenditure.—For purposes of section 4952, the term "taxable expenditure" means any amount paid or incurred by a trust described in section 501(c)(21) other than for a purpose specified in that section.

(2) Correction.—The terms "correction" and "correct" mean, with respect to any taxable expenditure, placing the trust in a financial position not worse than that in which it would have been if the taxable expenditure had not been made: (1) by recovering all or part of the expenditure to the extent recovery is possible; and (2) when full recovery is not possible, by contributions by the person or persons whose liabilities for black lung benefit claims (as defined in section 192(e)) are to be paid out of the trust.

(3) Taxable Period.—The term "taxable period" means, with respect to any taxable expenditure, the period beginning with the date on which the taxable expenditure occurs and ending on the earlier of—

(A) the date of mailing a notice of deficiency under section 6212 with respect to the tax imposed by section 4952(a)(1), or

(B) the date on which the tax imposed by section 4952(a)(1) is assessed.

C. Specific Instructions

Line 22.—A "conformed" copy is one that agrees with the original document, and all amendments to it. If the copies are not signed, they must be accompanied by a written declaration signed by an officer authorized to sign for the organization certifying that they are complete and accurate copies of the original documents.

Chemically or photographically reproduced copies of articles of incorporation showing the certification of an appropriate State official need not be accompanied by such a declaration. See Rev. Proc. 68-14, 1968-1 C.B. 768, for additional information.

Line 23.—If you answered "Yes" to 23a(1), (2), (3), (4), or (5) and "No" to 23b, then be sure to inform each self-dealer and trustee who may be liable for initial taxes under section 4951 of the requirement to file a return for each year (or part of a year) and pay the applicable tax. The trust must also furnish the information required by Schedule A (Form 990-BL), Part I, Section A (other than columns (g) and (h)) on its own return.

For exceptions to the self-dealing rules, see instructions for Part III, "B. Definitions," (2) Special Rules, and (7) Payment of Benefits.

Line 24.—If you answered "Yes," complete Part I, Section B (other than column (h)) and Part II of Schedule A (Form 990-BL). The trust must also inform any trustees who may be liable for initial taxes under section 4952 of the requirement to file Form 990-BL, Schedule A (Form 990-BL), and to pay the tax.

Line 25.—If you answered "No," or if there were multiple acts or transactions giving rise to Chapter 42 taxes and all of them were not corrected, attach an explanation of each uncorrected act including the names of all parties to the act, the date of the act, the amount involved, why the act has not been corrected, and the date you expect correction to be made.

readily ascertainable, the description and fair market value must be submitted. If the fair market value of the property is not readily ascertainable, you may submit an estimated value.

The term "person" includes individuals, fiduciaries, partnerships, corporations, associations, trusts, and exempt organizations.

2. If the trust receives contributions that are more than what the contributor can deduct under section 192, the person making the excess contributions may be required to file **Form 6069**, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction, and pay the tax imposed by section 4953(a).

Instructions for

Part I.—Initial Taxes on Self-dealing and Taxable Expenditures

Disqualified persons and trustees who participate in acts of self-dealing with a section 501(c)(21) trust and who have tax years different from the trust should use their own tax years to figure the initial tax and file the return.

Initial Section 4951 Taxes on Self-dealer.—An initial tax of 10 percent of the amount involved is imposed for each act of self-dealing between a disqualified person and a section 501(c)(21) trust, for each year (or part of a year) in the taxable period. The tax is paid by any disqualified person (other than a trustee acting only as such) who participated in the act of self-dealing.

Initial Section 4951 Taxes on Trustee.—When a tax is imposed on an act of self-dealing, any trustee who knowingly